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Security Council

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Letter dated 23 September 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report of Belgium submitted pursuant to resolution 1624 (2005) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

06-53621 (E) 311006

Annex

Letter dated 22 September 2006 from the Permanent Representative of Belgium to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

I have the honour to transmit to you the attached report of Belgium to the Counter-Terrorism Committee submitted pursuant to Security Council resolution 1624 (2005) (see enclosure).

(*Signed*) Johan **Verbeke**
Ambassador
Permanent Representative of Belgium
to the United Nations

Enclosure

Implementation by Belgium of Security Council resolution 1624 (2005)

1.1 What measures does Belgium have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under consideration?

Article 4.1 of the European Union Framework Decision of 13 June 2002 stipulates that *"Each Member State shall take the necessary measures to ensure that inciting or aiding or abetting an offence referred to in Article 1(1), Articles 2 or 3 is made punishable"*.

The Belgian law of 19 December 2003 introduced into the Penal Code specific provisions concerning terrorist offences and participation in a terrorist group (articles 137 to 141 ter). The provisions of the Penal Code concerning joint commission of an offence (article 66) and aiding or abetting (article 67) are applicable to terrorist offences. The general terms of these provisions make it possible to prohibit and to prevent incitement to terrorism.

According to article 66 of the Penal Code:

> *"The following shall be punished as authors of a crime or an offence:*
>
> *Any person who committed the crime or offence or cooperated actively in its commission;*
>
> *Any person who by whatever action aided the commission of the crime or offence in such way that without his assistance the crime or offence could not have been committed;*
>
> *Any person who, by means of donations, promises, threats, abuses of authority or power, plots or deliberate deception, directly provoked the crime or offence;*
>
> *Any person who, either by views expressed in meetings or public places or by writings, printed matter, images or emblems of any kind displayed, distributed, sold or put on sale or public view, directly provoked others to commit the crime or offence, without prejudice to the penalties imposed by law on authors of provocations to commit crimes or offences, even if such provocations were not acted upon."*

According to article 67 of the Code:

> *"The following shall be punished as aiders or abetters of a crime or an offence:*
>
> *Any person who gave instructions for committing it;*
>
> *Any person who provided weapons, instruments or any other means used in the crime or offence, knowing that they would be used for that purpose;*
>
> *Any person who, except in the case provided for in article 66(3), knowingly aided or assisted the author or authors of the crime or offence in the acts by which it was prepared or facilitated or those by which it was carried out."*

Moreover, article 1 of the law of 25 March 1891 on the suppression of provocation to commit crimes or offences makes it possible to prosecute incitement

to commit terrorism or to prevent such incitement, independently of whether the person accused of such incitement participated in a terrorist offence as such or whether such an offence actually took place. The article provides as follows:

"Any person who, either by views expressed in meetings or public places or by writings, printed matter, images or emblems of any kind displayed, distributed, sold or put on sale or public view, directly and maliciously provoked others to commit acts that the law defines as crimes, without such provocation being acted upon, shall be subject to between eight days' and three years' imprisonment and a fine of 50 to 3,000 euros".

Lastly, on 19 January 2006, Belgium signed the Council of Europe Convention on the Prevention of Terrorism. Work is currently under way to enable Belgium to ratify the Convention as soon as possible, in order to supplement Belgian penal law provisions in this area.

1.2 **What measures does Belgium take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to a terrorism act or acts?**

Various kinds of measures or plans can be mentioned in this regard:

• Denial of the right of asylum

Belgium is a party to the Geneva Convention of 1951 relating to the Status of Refugees, article 1 (F) of which provides that:

"The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

(a) He has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) He has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

(c) He has been guilty of acts contrary to the purposes and principles of the United Nations."

The Commissioner-General's Office for Refugees and Stateless Persons, which is in charge of considering the merits of asylum applications, verifies whether or not the clause denying refuge is applicable. That clause has already been used in cases involving war crimes and crimes against humanity and can also be invoked, if necessary, in cases of proven incitement to terrorism, which is covered by subparagraph (c) above.

• Reform of extradition laws

In the area of legislation, Belgium has taken steps to amend its extradition laws (laws of 1833 and 1874). Parliament is currently reviewing a bill which would introduce a new exception to domestic legislation, currently providing that "Belgium shall not extradite a person who is being prosecuted for political purposes or for an act relating to a political offence". Under the terms of this amendment, the exception is invoked when extradition is requested in respect of an offence such as contained in an international instrument on terrorism, which explicitly prohibits the

refusal of extradition based on the political nature of the violation, without the possibility of reservation.

• Anti-radicalism plan (*"Plan Radicalisme"*)

In April 2006 the Belgian authorities also adopted an anti-radicalism plan which aims to combat radicalism in all its forms, on a global and integrated basis.

This anti-radicalism plan, which is designed to complete the existing counter-terrorism mechanisms, has the following goals:

– To develop integrated actions among the various participating departments;

– To help protect democratic values and combat the polarization of society, notably through measures to combat incitement to hatred and the dissemination of fundamentalist, racist and extremist ideas.

The plan has seven lines of action, each of which corresponds to a channel through which incitement to commit radical acts — or extremist and terrorist acts — may potentially occur (e.g. the Internet).

The plan provides for a series of preventive and enforcement measures.

• Proactive investigations

Wherever there are reasonable grounds to suspect that serious offences (including those relating to terrorism) will be or have been committed but are not yet confirmed, article 28 bis, paragraph 2, of the Code of Criminal Investigation authorizes the police, pursuant to a written and prior decision of a public prosecutor, to investigate, gather, record and process data or information. Proactive investigations are designed to achieve an exclusively judiciary goal, namely, the prosecution of offenders.

The advantage of proactive investigations is that they allow for early intervention — based on reasonable suspicion, without their necessarily being an existing link to an actual crime or a suspected person, and under the direct control of a public prosecutor — in cases relating to the fight against serious crimes.

In terrorism-related matters, proactive investigations, both domestic and international, are authorized and carried out under the direction of the Federal Prosecutor (who requests mutual legal assistance within the framework of an international investigation).

They are also a priority in terms of Government criminal policy.

1.3 **How does Belgium cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?**

Belgium is a member of the Schengen area and thus participates in the Schengen Information System (SIS), which is a system that allows the competent authorities of member States to cooperate by exchanging information with a view to exercising control over persons and objects. All alerts are issued at the request of the competent judicial or administrative authority.

Over recent years, several amendments have been made with a view to improving the operation of SIS as a useful counter-terrorism instrument, with new functions being introduced into the system.

With regard to measures aimed at combating fraudulent travel documents, a European Union Regulation of 25 May 1995 imposed a uniform visa for the countries belonging to the system. The regulation provides for procedures and specifications designed to prevent the creation and use of false or falsified visa.

When an application is made for a short-stay visa, the provisions of the Convention implementing the Schengen Agreement provide for the application of a double security criterion, which includes national security. In accordance with article 5, paragraph 1, and article 17, paragraph 2, of the Agreement, Belgium consults the files of those refused entry via SIS, as well as, where appropriate, the central authorities of member States.

Belgium is also one of the two pilot States for the "BIODEV" project, which aims to establish a biometric database of visa applicants. This project will soon be extended to eight countries under the title "BIODEV II".

At the end of 2004, Belgium also introduced a model biometric passport offering a very high degree of protection against forgery.

On the practical level, border control is carried out by the competent police departments, which on a daily basis examine the passenger lists of flights regarded as potentially risky in terms of a terrorist threat. On the basis of this examination, controls are carried out as necessary by the airport police.

All information concerning forged or falsified documents is transmitted to the counter-terrorism unit of the federal police, which analyses the data gathered at each border post. In this context, the central "terrorism and sects" unit collaborates effectively with the maritime, airport, rail and road police. Each of these departments has a terrorism focal point.

Lastly, it should be noted that the federal police has notably developed various forms of bilateral cooperation with third countries concerning the exchange of information and training, especially regarding the detection of fraudulent documents.

1.4 **What international efforts is Belgium participating in or considering participating in/initiating in order to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures?**

The federal Government and the federated entities[1] play an active part in efforts and initiatives undertaken within European and international forums to foster intercultural and interreligious dialogue and to combat discrimination and encourage tolerance.

Within the European Union, Belgium has participated actively in drawing up and implementing the European Union's action plan and strategy on combating radicalization and recruitment, at both the national and international levels.

[1] Since Belgium is a federal State, competence for educational and cultural matters, including in the area of international cooperation, lies with the communities (i.e., the Flemish, French and German-speaking communities).

Belgium also plays an active part in the Euro-Mediterranean Partnership (Euromed), which includes among its objectives bringing people together through social, cultural and human partnerships intended to foster cultural understanding and civil society exchanges between its member countries. In this context, the federal Government and the French and Flemish-speaking communities of Belgium actively support the Anna Lindh Euro-Mediterranean Foundation for the Dialogue between Cultures, in financial and other ways.

Within the United Nations, Belgium lends considerable support to the Global Agenda for Dialogue among Civilizations sponsored by the Secretary-General. The degree of its involvement is evident from the size of its financial contribution (at 250,000 euros, Belgium makes the third largest contribution to this initiative) and also from its contribution to the Agenda itself, in the debate conducted by the Panel of the Wise.

While holding the Presidency of the Organization for Security and Cooperation in Europe (OSCE), the Belgian Minister for Foreign Affairs has taken a number of initiatives to promote tolerance and mutual respect within OSCE. It recently transmitted to the Secretary-General of the United Nations the contribution of OSCE to the Agenda Process.

As part of its engagement, Belgium places special emphasis on the problem of "hate speech" disseminated internationally through satellite television channels and the Internet. Belgium helped to organize a conference held in Brussels on 29 May 2006 which brought together experts in the field to discuss the role of the Internet and satellite television in relations among the peoples of OSCE member States and countries of the Mediterranean and the Middle East. The outcome of this conference may contribute to the debate launched through the Global Agenda.

At the United Nations Educational, Scientific and Cultural Organization (UNESCO), the French and Flemish-speaking communities are supporting initiatives to foster intercultural dialogue and promote diversity. The French-speaking community also played a significant role in drafting the two most recent normative instruments adopted by UNESCO: the Convention for the Safeguarding of the Intangible Cultural Heritage and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, both of which contribute to better understanding among peoples. Within UNESCO, the Flemish community of Belgium is calling for the development of an intercultural dialogue and its inclusion in the Organization's medium-term strategy.

At the Council of Europe, the French and Flemish-speaking communities attach great importance to the Council's activities relating to intercultural dialogue. The White Book now being drawn up under its auspices will contribute to the European Year for Intercultural Dialogue in 2008.

1.5 **What steps is Belgium taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?**

As we have explained above, Belgian law allows for the prosecution of acts of incitement to terrorism.

Furthermore, acts of incitement to hatred, racism and discrimination are covered by the law of 30 July 1981 on the suppression of certain acts inspired by racism or xenophobia.

As explained above, measures for the prevention and suppression of these acts are part of the anti-radicalism plan adopted by the Government of Belgium.

This plan is based on a global, integrated approach to the phenomenon of radicalism and calls for cooperation among the various public agencies and authorities in as preventive a manner as possible.

Under this plan, the leaders of the various ethnic, cultural and religious communities are urged to promote the values of mutual respect and to condemn intolerant behaviour.

In addition, in the framework of the 10-point federal plan to combat racism, a number of initiatives have been introduced to combat "cyber hatred" by setting up an association which brings together key actors such as the Federal Computer Crime Unit (FCCU) of the federal police, the Internet Service Providers Association (ISPA), the College of Public Prosecutors and the Centre for Equal Opportunities and Combating Racism. This combination of skills and fields of activity is intended to develop an effective modus operandi to deal with the problem of expressions of hatred on the Internet.

A vast number of initiatives have been taken at the local, community and regional levels to promote tolerance and mutual respect and to encourage interreligious and intercultural dialogue, especially in schools.

Programmes have been adopted in the Flemish community for the compulsory integration of certain target groups, especially ministers of religion. There are also various initiatives for promoting integration, such as the "Trefmedia", which aims to foster diversity in the media.

In higher education, the Catholic University of Louvain has introduced a course for imams in Belgium, starting with the academic year 2006-2007. The aim is to bring out and draw attention to the democratic aspects of the religious teaching of Islam and to prevent subversion by extremists.

Lastly, at the national level, the King Baudouin Foundation has introduced a discussion forum on Islam, in order to improve knowledge of Islam and encourage a diversity of views and opinions about Islam and Muslims.

1.6 **What is Belgium doing to ensure that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all of its obligations under international law, in particular international human rights law, refugee law and humanitarian law?**

As a party to the universal instruments on human rights protection, humanitarian law and refugee law and to the European Convention for the Protection of Human Rights and Fundamental Freedoms, Belgium attaches great importance to the observance and promotion of human rights, humanitarian law and the right to asylum.

Belgium follows the guidelines of the Committee of Ministers of the Council of Europe on human rights and the fight against terrorism.

With regard to measures taken by Belgium to implement paragraph 1 of resolution 1624 (2005), it should be noted that the law of 19 December 2003, which incorporates terrorist offences into the Penal Code, expressly stipulates that its provisions may not be interpreted as being aimed at curbing or restricting fundamental rights or freedoms as enshrined, in particular, in articles 8 to 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

In general, a number of different mechanisms ensure that any steps taken in the context of the fight against terrorism conform to the applicable international law.

Thus, each new law or measure is subject to the following procedure:

1. The law or measure is first studied by the competent administrative authorities, through their own legal offices;

2. It may, where applicable, be submitted to a competent advisory body for its opinion, as an example, the Commission on the Protection of Private Life, established by the law of 8 December 1992, plays an important role in fostering respect for human rights in the private sphere;

3. The law or measure is also confirmed by the Council of State, which must render an opinion on any regulation before its adoption in the form of either a royal decree or an act;

4. It may, if the measure under consideration requires the adoption or revision of a law, be reviewed by the competent parliamentary commission and then by the Parliamentary Assembly.

Measures may be subject to Belgian administrative review or judicial remedy and, where appropriate, be contested before the Human Rights Committee or the European Court of Human Rights.

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General Assembly
Sixty-first session
Agenda item 13
The situation in the Middle East

Security Council
Sixty-first year

Identical letters dated 25 September 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On the instructions of my Government, I transmit to you herewith a list of Israeli acts of aggression against Lebanon that took place between 20 September 2006 and 23 September 2006 (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the sixty-first session of the General Assembly, under agenda item 13, and of the Security Council.

(*Signed*) Caroline **Ziade**
Chargé d'affaires a.i.

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Annex to the identical letters dated 25 September 2006 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Israeli violations and acts of aggression against Lebanon from 0800 hours on 20 September 2006 to 0800 hours on 21 September 2006

From 0800 hours on 20 September 2006 to 0800 hours on 21 September 2006, despite the United Nations Security Council resolution calling for a cessation of hostilities as of 0800 hours on 14 August 2006, acts of aggression and land and air violations by the Israeli enemy continued, most notably:

20 September 2006

Air violations

There were five air violations by enemy Israeli warplanes and reconnaissance aircraft reported over various Lebanese areas, involving a total of three reconnaissance aircraft and four warplanes.

Land violations

Between 0900 hours and 1700 hours, a bulldozer and trencher belonging to the Israeli enemy dug a trench and laid water pipes from west of the occupied town of Ghajar in the direction of Al-Ouazzani spring inside Lebanese territory.

At 1500 hours, a group consisting of 12 enemy Israeli forces personnel crossed the border, advancing from the occupied town of Ghajar along the Al-Ouazzani River in the direction of Lebanese territory. The group entered and searched a water-pumping station, and departed back into occupied territory at 1530 hours.

At 1500 hours, enemy Israeli forces set off three explosions at Rahib hill (a former resistance outpost) on the outskirts of the town of Aaita al-Chaab inside Lebanese territory. The reasons for the explosions were unknown.

At 2000 hours, two enemy Israeli tanks advanced from the Abbad outpost into Lebanese territory and positioned themselves near an abandoned house on the outskirts of the town of Houla. Two tanks also entered the Wadi Hounine area on the outskirts of the town at a distance of approximately 500 metres and positioned themselves there.

Israeli violations and acts of aggression against Lebanon from 0800 hours on 21 September 2006 to 0800 hours on 22 September 2006

From 0800 hours on 21 September 2006 to 0800 hours on 22 September 2006, despite the United Nations Security Council resolution calling for a cessation of hostilities as of 0800 hours on 14 August 2006, acts of aggression and land and air violations by the Israeli enemy continued, most notably:

Air violations

There were three air violations by enemy Israeli warplanes and a reconnaissance aircraft reported over various Lebanese areas:

At 1045 hours, two Israeli warplanes violated Lebanese airspace over Kfar Kila in a northerly direction as far as the Zgharta area, and from there in an easterly direction as far as the Baalbek area. They proceeded south to Al-Naqoura and then proceeded north to a point over the sea off Tripoli. They left Lebanese airspace at 1115 hours over the sea off Tripoli in the direction of Turkey.

At 1140 hours, two warplanes violated Lebanese airspace over the sea off Sidon in a southerly direction. They left Lebanese airspace at 1145 hours over Aalma al-Chaab.

At 2030 hours, a reconnaissance aircraft violated Lebanese airspace and overflew the southern suburbs, Hadath and Baabda. It left Lebanese airspace at 2330 hours.

Land violations

Enemy Israeli forces continue daily to clear forested areas approximately 20 metres inside Lebanese territory along the border road next to the technical fence with large military bulldozers guarded by a motorized patrol. This has occurred from the area around Birket Risha south of the town of Boustane (W-24) westward in the direction of the town of Dhaira.

Withdrawals

On the morning of 22 September 2006, enemy Israeli forces withdrew south of the Blue Line from sections 1-A and 8-A, which contain the towns of Labboune and Meis al-Jabal.

Israeli violations and acts of aggression against Lebanon from 0800 hours on 22 September 2006 to 0800 hours on 23 September 2006

From 0800 hours on 22 September 2006 to 0800 hours on 23 September 2006, despite the United Nations Security Council resolution calling for a cessation of hostilities as of 0800 hours on 14 August 2006, acts of aggression and land and air violations by the Israeli enemy continued, most notably:

Air violations

There was one air violation by an enemy Israeli reconnaissance aircraft reported:

At 1450 hours, an enemy Israeli reconnaissance aircraft violated Lebanese airspace over the sea off Al-Damour in the direction of Beirut, and overflew Beirut and its suburbs.

Injuries resulting from mines, cluster bombs and unexploded ordnance

At 1555 hours, in Aaitit/Tyre, a cluster bomb exploded, resulted in injury to First Adjutant Rabi` Hamad (minor injury) and Sergeant First-Class Karam `Umar (left hand severed, right eye lost, and various other injuries), both members of the Sixth Brigade's engineering battalion.

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Monthly report of the Secretary-General on Darfur

I. Introduction

1. The present report is submitted pursuant to paragraphs 6, 13 and 16 of Security Council resolution 1556 (2004), paragraph 15 of Security Council resolution 1564 (2004), paragraph 17 of Security Council resolution 1574 (2004), paragraph 12 of Security Council resolution 1590 (2005), and paragraph 11 of Security Council resolution 1706 (2006). It covers the month of August 2006.

II. Insecurity in Darfur

2. During the reporting period, the overall situation in Darfur deteriorated considerably. The decision of the Government of the Sudan to deploy a large number of military troops to Darfur signals its apparent determination to pursue a military solution to the crisis in the region.

3. The signatories of the Darfur Peace Agreement signed on 5 May 2006 maintained the ceasefire towards each other through the reporting period. However, during the same period, serious violence flared between Darfur Peace Agreement signatories and non-signatories, in breach of the Agreement and 17 December 2004 N'Djamena ceasefire obligations. The 19 August ambush of an African Union fuel convoy, which took place at Kuma, claimed the lives of two peacekeepers, and attacks against humanitarian actors continued unabated. Banditry was rampant across most of Darfur. Militia groups continued to attack civilians and internally displaced persons, and internally displaced person camp security remained very precarious, with an alarming surge in violence towards women and girls. The region is again descending into a vicious cycle of violence.

4. On 28 July, the Sudanese Armed Forces, reportedly assisted by Janjaweed militia, clashed with Darfur Peace Agreement non-signatory forces in the Jebel Moon area of Western Darfur. On 18 August, unknown assailants believed to belong to non-signatory groups attacked a Sudanese Armed Forces camp at Goz Mino, killing three Sudanese Armed Forces soldiers. On 24 August, another armed group ambushed a convoy of the Government of the Sudan near Abu Soroug in Western Darfur, killing the Assistant Commissioner of Kulbus and six others. Government-affiliated militia also repeatedly attacked villages near Jebel Marra between 17 July and 2 August, killing 12 civilians and looting over a thousand cattle.

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5. In the meantime, the Government of the Sudan and Minawi troops of the Sudan Liberation Movement (SLM) attacked National Redemption Front (NRF) forces north of El Fasher throughout the reporting period. In particular, fighting erupted between the NRF and Sudanese Armed Forces and SLM-Minawi forces on 28 July around Kulkul, 60 kilometres north of El Fasher, and resulted in the capture of Kulkul by Sudanese Armed Forces on 6 August. The same day, NRF forces attacked and captured Sayeh village, 90 kilometres north-east of El Fasher. On 28 August, Sudanese Armed Forces and NRF forces reportedly resumed fighting west of Kulkul with aerial bombing from government aircraft. Sudanese Armed Forces captured Abu Sakin and Kulkul from the NRF on 28 August, and Um Sidir on 31 August, while introducing additional troops to Northern Darfur. In early September, Sudanese Armed Forces also moved a considerable number of forces north of El Geneina along the Chad border and north from Kordofan into the Sayeh area.

6. In the meantime, the Sudanese Armed Forces has reportedly deployed aircraft to Northern Darfur for reconnaissance, logistics support and bombing raids. Reports indicate that a government aircraft bombed Hassan village near Kulkul on 29 July, killing at least one civilian and injuring seven others. Villagers from Gosh Marakh, Um Hashab, and Yonka reported bombings in their areas between 30 July and 1 August. A Government of the Sudan Antonov aircraft crash-landed at El Fasher airport on 7 August. NRF fighters claimed to have crippled it with ground-fire around Sayeh. At the 9 August Ceasefire Commission meeting held in El Fasher, the Justice and Equality Movement (JEM) alleged that the Sudanese Armed Forces was using white helicopters and aircraft in support of their ground forces. On 28 and 29 August, reports were received that aircraft had bombed areas near Tura, Sayeh, and Um Sidir, and that the attacks resulted in a number of civilian casualties.

7. As mentioned in paragraph 3 above, on 19 August, a group of armed men in 15 vehicles ambushed an African Union Mission in the Sudan (AMIS) convoy of 12 fuel tankers near Kuma, 80 kilometres north-east of El Fasher. The AMIS protection force resisted and called for reinforcements. In the heavy fighting that followed, the AMIS force killed 12 attackers, while 2 AMIS soldiers were killed and 3 wounded.

8. Armed robbery of humanitarian vehicles and convoys grew increasingly brazen over the reporting period, continuing a recent trend. On 31 July, two armed men stole an international non-governmental organization vehicle in the Abu Shouk internally displaced person camp in Northern Darfur. On 24 August, two United Nations agency trucks disappeared between Tawila and Kabkabiya. On 15 and 16 August, armed men hijacked and stole three vehicles of the International Committee of the Red Cross (ICRC) near El Fasher; on 30 August, the ICRC confirmed the death of one of their drivers. That death adds to the growing death toll of humanitarians in Darfur; 12 died in July and August alone.

9. Throughout Darfur, bandits looted non-governmental organization vehicles and stole cash and communications equipment from passengers and drivers. On 29 July, 6 armed men ambushed a 29-truck United Nations humanitarian convoy between Habila and El Geneina and robbed the drivers. On 3 August, unknown assailants attacked and looted a United Nations truck carrying food south of Nyala. On 25 August, 3 armed men ambushed a 7-truck food convoy and robbed the drivers.

10. Raids on commercial traffic also continued. On 2 August, a group of armed men attacked and robbed a bus travelling from El Fasher to Nyala, killing 7 passengers and injuring 12. On 11 August, 4 armed men attacked a 21-truck commercial convoy south of Nyala and robbed the drivers. On 17 August, 10 armed men on horseback ambushed 2 trucks on the way to Gereida market, killing 1 and injuring 6 people before looting the trucks and robbing the passengers.

11. Also in Northern Darfur after capturing Korma town on 5 July from the Abdul Wahid faction of the Sudan Liberation Army (SLA), SLA-Minawi elements, who are now allied with the government forces on the ground, attacked nearby villages, looting livestock and killing at least 100 civilians. Those and other clashes resulted in almost 20,000 internally displaced persons arriving in Northern Darfur camps in July. Displaced persons reported indiscriminate killing, rape and abduction. Villagers who remained in place reported SLA-Minawi harassment, beatings, and intimidation; some reported that SLA-Minawi and Zaghawa fighters told them to leave their villages for the internally displaced person camps. SLA-Minawi elements also harassed people trying to return to their villages, while also extorting money and confiscating documents.

12. Security in internally displaced person camps remained very precarious, especially where AMIS was unable to deploy or patrol. AMIS is operating in some internally displaced person camps, but camp leaders have warned the mission to stay away from others. Internally displaced person communities have increasingly splintered along communal lines into pro- and anti-Darfur Peace Agreement groups. In Shangil Tobayi camp, reports indicate that armed men harassed and robbed internally displaced persons after enquiring about their ethnicity. On 10 August, a Fur internally displaced person was shot dead in Kalma camp, sparking clashes between Fur and Zaghawa internally displaced persons in which two were seriously injured. An AMIS platoon intervened and remained in the camp overnight to ease tension. On 12 August, AMIS organized a reconciliation meeting between community leaders from the two groups. On 9 August, Civil Affairs Officers of the United Nations Mission in the Sudan (UNMIS) arranged discussions between AMIS and internally displaced persons in Zalingei, allowing internally displaced persons to express their concerns and AMIS to resume some patrols.

13. The militarization of some internally displaced person camps continued unabated over the reporting period. SLA-Minawi soldiers harassed internally displaced persons in the camps around El Fasher, especially Zam Zam camp. On 13 August, an international non-governmental organization medical team was forced to leave Kalma camp when assaulted by two armed men. On 23 August, SLA-Abdul Wahid troops harassed civilians in Otash camp in Southern Darfur.

14. Rumours of poisoning have hindered water supply and vaccination efforts in camps across Darfur. On 20 July, the rumours apparently prompted an angry crowd of internally displaced persons to beat to death three employees of the government Department for Water and Environmental Sanitation in Hassa Hissa camp near Zalingei. Internally displaced persons have challenged and threatened vaccination and sanitation workers in camps across Darfur.

15. Various militia groups continued to operate with impunity throughout Darfur, attacking villages, stealing livestock and harassing internally displaced persons. Some have settled in cleared villages near Zalingei and are cultivating the land.

16. Relations between Chad and the Sudan improved considerably over the reporting period. Under a 26 July agreement signed in N'Djamena, both countries agreed to create a political commission to follow up on the implementation of the agreement. Furthermore, they agreed to establish a mixed military commission to monitor the situation along common borders, as well as deploy a mixed military force to Bahai, Tiné, Koulbous, Khor Baranga, Amdjereme, Adré, Adé, Modoina, El Geneina, Tissi and Amdoukoum. Chad and the Sudan normalized diplomatic relations on 8 August.

17. However, Chadian armed opposition groups remained active in Western Darfur. On 11 August, suspected Chadian armed opposition group members harassed villagers in Chichir and Korgi. On 12 August, armed men stole cattle from Geilu village, before crossing the border into Chad.

18. On 23 August, Chadian officials reportedly arrested seven JEM leaders in N'Djamena, but released them the same day. On 28 August in Khartoum, the Foreign Minister of Chad stated that his Government intended to hand over 17 JEM and 30 SLA-Abdul Wahid leaders to the African Union.

III. Human rights and protection

19. The killing and suffering of civilians during attacks on villages and internally displaced persons make clear that combatants are not distinguishing between civilian and military targets.

20. Sexual and gender-based violence increased dramatically throughout Darfur since my last report. Militia forces continued to attack female internally displaced persons when they left the confines of their camps to undertake income-generating activities, such as gathering grass, fruit and firewood. Around Kalma camp, such attacks increased from 10 per month to almost 10 per day by mid-July. On 23 July, a group of several hundred armed militia raped 21 women north of Kalma camp; the next day, another 17 women were raped in the same location. Several internally displaced women and girls, including two girls collecting grass adjacent to a Sudanese Armed Forces camp near Tawila internally displaced person camp, alleged that government personnel had attacked them. In Northern Darfur, fleeing internally displaced persons reported that various armed groups were targeting women and girls believed to support rival factions.

21. Government authorities appear unable or reluctant to address the wave of sexual violence. The local government in Southern Darfur has downplayed sexual assaults and linked them to general criminal activity in the camps.

22. The United Nations Special Rapporteur on the Human Rights Situation in the Sudan, Dr. Sima Samar, visited the Sudan from 11 to 17 August. She is extremely disturbed by the critical human rights situation in the region and the signs that there will be a further deterioration in the coming months if action is not taken to protect civilians from attacks and end the conflict through peaceful means. In discussions with senior government officials, she raised concerns about the killings of civilians, rape, torture and displacement.

23. On numerous occasions during the reporting period, authorities obstructed United Nations human rights officers in the performance of their duties, in breach of government obligations under the status-of-forces agreement. On 15 August, the

Humanitarian Aid Commission prevented an UNMIS helicopter from taking off from Nyala airport. On 17 August, Sudanese National Intelligence and Security Service officers prevented a United Nations agency staff member from boarding a helicopter in the same airport. Also on 17 August, the Sudanese National Intelligence and Security Service briefly detained a United Nations agency driver in El Geneina. The Sudanese National Intelligence and Security Service continues to regularly restrict UNMIS access to Darfur detention facilities.

IV. Humanitarian situation

24. Continued fighting, attacks on humanitarian workers, official obstruction, together with the arrival of the difficult rainy season have hampered humanitarian efforts. United Nations agencies now have considerably less access to affected populations than in late 2004 and most of 2005.

25. Once again, Darfur is becoming an increasingly difficult and very dangerous environment for humanitarian workers. The World Food Programme indicated that it could not reach 350,000 beneficiaries in August, up from 290,000 in June. Direct attacks on humanitarian operations have forced many organizations to suspend all but the most essential operations. The World Health Organization has reported that 40 per cent of the people of Northern Darfur are now without basic health care as a result. The vaccination rate has declined from 90 per cent in 2005 to 20 per cent in 2006.

26. Widespread instability and insecurity have had a substantial impact on agriculture and food security. Fighting near Tawila, Korma, Jebel Moon, and Jebel Marra has forced local farmers to flee during the few weeks available for planting the sorghum and millet upon which thousands depend for their sustenance. Although humanitarian agencies have distributed seeds, this year's harvest will be a poor one because of continued insecurity, which makes maintaining and harvesting crops difficult.

27. Heavy seasonal rains have also hindered humanitarian efforts and brought additional health threats. Flooded roads in Southern Darfur have forced some non-governmental organizations to postpone activities. Community health experts fear that flooding may contaminate drinking water, and cholera outbreaks have already been confirmed in Western Darfur. Acute watery diarrhoea has claimed eight lives in Monroe internally displaced person camp alone, including four children under the age of five.

V. Implementation of the Darfur Peace Agreement

28. In spite of the efforts of the wider international community and major African Union and United Nations initiatives, no additional signatories joined the Darfur Peace Agreement during the reporting period. Implementation of the Agreement is well behind schedule, and the inability of Darfur Peace Agreement mechanisms and arrangements to halt the continuing violence has undermined the credibility of the Agreement.

29. Delegations from the Government of the Sudan and the international community visited Abdul Wahid in Asmara during the reporting period in

unsuccessful attempts to persuade him to sign the Darfur Peace Agreement. Abdul Wahid did not entirely reject the Agreement, but he called for amendments or additions to satisfy his four political demands: a role in reviewing the Janjaweed disarmament; a national Vice-Presidency position for Darfur; more compensation; and the merging of the three Darfur states into one region.

30. At the same time, Abdul Wahid's authority has reportedly been challenged by several influential commanders. On 28 July, one of them, Ahmed Abdul Shafi Bassey issued a press statement claiming that the SLM Military Council and Field Command had dismissed Abdul Wahid. On 18 August, Ahmed Abdul Shafi Bassey announced plans for an "All Sudan Liberation Movement Army Conference" to clarify the leadership and organizational structure. Abdul Wahid's position and strength within the Sudan Liberation Army remain unclear.

31. In addition to the Abdul Wahid faction of the SLA, the "anti-Darfur Peace Agreement bloc" consists of the G19 and the JEM, elements of which formed the National Redemption Front in June 2006. The G19 is a group of former SLA-Abdul Wahid commanders and their followers, who were disaffected with Abdul Wahid's negotiating positions at Abuja.

32. The JEM has taken the toughest line against the Darfur Peace Agreement, and appears to be executing its threat to resist the Agreement following the conclusion of the Abuja negotiations. However, the JEM has also been splintered; the JEM-Wing for Peace has reportedly become a partner to the Darfur Peace Agreement, and some JEM commanders in Jebel Moon have eschewed further intra-rebel violence.

33. The NRF has rejected the Darfur Peace Agreement. It is currently the most ethnically diverse of the rebel groups, and includes significant Fur, Marsalis, and Zaghawa contingents. The NRF was founded by Justice and Equality Movement chief Dr. Khalil Ibrahim, Sudan Federal Democr[illegible] Alliance (SFDA) chief Ahmed Ibrahim Diraige, former SLA Deputy Chair and G19 leader Khamis Abdalla Abakar, and Dr. Sharif Harir of the SFDA.

34. On 8 June, several groups signed a Declaration of Commitment to the Darfur Peace Agreement. In its 27 June Communique, the African Union Peace and Security Council recognized them as "partners in the peace process", and the Joint Commission invited them to participate in its meetings. The Darfur Peace Agreement signatories, however, have opposed any significant role or benefits for non-signatories, and the African Union and the parties have yet to develop a plan for including them in the Darfur Peace Agreement implementation process.

35. At the Joint Commission's second meeting, on 3 August, the chairman of the Ceasefire Commission presented a report listing 60 separate ceasefire violations. Upon learning that the Ceasefire Commission had not considered the report, however, the Joint Commission Chairman referred all 60 violations back to the Ceasefire Commission for investigation.

36. The Ceasefire Commission is meeting regularly, but has been largely incapacitated by disagreements over the non-Darfur Peace Agreement signatories' role and the relationship between the N'Djamena and Darfur Peace Agreement ceasefire commissions. On 13 August, AMIS notified the Ceasefire Commission Chairman that it had decided to remove SLA-Abdul Wahid and JEM representatives from the Ceasefire Commission and from AMIS sites.

37. The Ceasefire Commission currently has a backlog of 92 alleged ceasefire violations. Sub-Ceasefire Commissions have now been formed and are functioning, but some lack representation from Darfur Peace Agreement parties and Declaration of Commitment signatories. At the 30 August meeting, the Ceasefire Commission discussed 15 violation reports forwarded by the Sub-Ceasefire Commissions.

38. The parties have also missed several security-related deadlines. The parties have yet to create the Transitional Darfur Regional Authority, which in turn rendered it impossible to meet the 15 June deadline for establishing the Darfur Security Arrangement Implementation Committee, nor has AMIS been able to establish the Joint Logistics Coordination Committee, which was due on 21 May. Also, the African Union has yet to complete the demarcation of areas of control, buffer zones and demilitarized zones; produce a final map indicating the parties' respective areas of control and redeployment zones; or develop a patrol plan for monitoring the buffer zones (all of which were to be complete by 22 June). Also in accordance with the Darfur Peace Agreement, the Government had to restrict Janjaweed activity to designated areas by 20 July, but that deadline has not been met. On 23 June, the Government submitted to the African Union its plan to disarm the Janjaweed. The disarmament plan was tabled for discussion at the Ceasefire Commission on 17 July, and UNMIS sent preliminary comments on the plan to the African Union Ceasefire Commission on 26 July.

39. In relation to power-sharing, the Northern and Southern Darfur state assemblies convened emergency sessions to amend their interim State Constitutions, increasing ministerial and assembly seats as required by the power-sharing provisions of the Darfur Peace Agreement. On 7 August, Minni Minawi was sworn in as Senior Assistant to the President, the fourth-highest position in the National Executive, and as Transitional Darfur Regional Authority Chairman. On 12 August, AMIS opened the African Union Darfur Peace Agreement Implementation Office in Khartoum, which will provide workspace to SLM-Minawi, SLM-Free Will, JEM-Wing of Peace representatives, the African Union Darfur Peace Agreement Implementation team, and the Preparatory Committee for the Darfur-Darfur Dialogue and Consultation. On 9 September, Minni Minawi announced the formation of seven committees for the implementation of the Darfur Peace Agreement, as a first step towards the implementation of the Agreement prior to the formation of the Transitional Darfur Regional Authority, and confirmed that the structures of the interim authority for Darfur would include the parties who signed the Declaration of Commitment. In addition to the delays in establishing the Transitional Darfur Regional Authority, a number of other important power-sharing deadlines have been missed, including in finalizing senior government and civil service appointments (as required by 15 June), and in establishing the Darfur Assessment and Evaluation Commission (as required by 14 August).

40. In wealth-sharing, the Joint Assessment Mission has begun preparatory work to identify urgent and longer-term recovery and development needs. The Joint Assessment Mission team includes 40 Sudanese and international experts drawn from the United Nations, non-governmental organizations, donors, and academic institutions, and includes both Sudanese and international experts. It was deployed to Nyala in early August, and conducted field visits, focused group discussions, and interviews with key stakeholders in Southern Darfur. Escalating violence, however, significantly impeded its assessment work.

41. The parties have made limited progress on the other Darfur Peace Agreement wealth-sharing provisions. They have yet to establish the Darfur Reconstruction and Development Fund or the Darfur Rehabilitation and Resettlement Commission (both were required, according to the Agreement, by 15 June), or a Compensation Commission (expected by 15 July). None of the Darfur state legislatures have established state land commissions, which according to the Darfur Peace Agreement were to be created immediately.

42. At the same time, the African Union has not yet appointed its nominee to chair the Preparatory Committee for the Darfur-Darfur Dialogue and Consultation. However, the African Union has been engaging the parties, constituents and the international community on an informal basis. At the same time, UNMIS and AMIS are collaborating on Darfur Peace Agreement and Darfur-Darfur Dialogue and Consultation public outreach efforts, and held several workshops in July and August. Those activities, however, remain limited to Darfur's largest towns; the current security environment precludes major outreach efforts in smaller communities and internally displaced person camps.

43. On 2 August, President Bashir sent me the Plan of the Government of the Sudan for the Restoration of Stability and Protection of Civilians in Darfur, as promised in our discussions on 2 July at the African Union Summit in Banjul, Gambia. I replied to President Bashir on 25 August, welcoming the fact that the plan identified a number of areas for United Nations support to the peace process in Darfur, including to the Darfur-Darfur Dialogue and Consultation and humanitarian operations, but indicating my concern that the Government's plan did not indicate a willingness on the part of the Government to agree to the transition from AMIS to a United Nations peace operation in Darfur.

44. In my response, I also expressed my serious concern over the deployment of a large number of Sudanese Armed Forces troops to Darfur, in the light of the provision in the Darfur Peace Agreement against the deployment of "additional military forces into Darfur by the Government of Sudan without the consent of the Ceasefire Commission". Any offensive military action by the Sudanese Armed Forces in Darfur would also contravene Security Council resolutions 1590 (2005) and 1591 (2005), which emphasize that there can be no military solution to the conflict in Darfur.

VI. United Nations support to the African Union Mission in the Sudan

45. As of 1 September, AMIS had a total of 7,200 personnel, comprised of 783 military observers and staff officers, 1,425 civilian police, 12 Ceasefire Commission personnel, and a protection force of 4,980.

46. Throughout July and August, UNMIS responded to numerous requests from the African Union for assistance. The United Nations technical staff have assisted AMIS staff in establishing telephone and information technology networks, while the UNMIS civil-military coordinator has trained AMIS personnel on humanitarian issues. At the same time, UNMIS logistics experts briefed AMIS personnel on asset management systems.

47. During the reporting period, with the assistance of the international community, the African Union has begun developing a public information campaign to promote the Darfur Peace Agreement. In that context, UNMIS provided additional public information support to AMIS through the printing of full texts of the Darfur Peace Agreement in English and Arabic, as well as the editing, translation and printing of a summary of the Agreement. Those information products are being disseminated in all areas of Darfur.

VII. Security Council resolution 1706 (2006)

48. On 31 August, the Security Council in its resolution 1706 (2006) decided, without prejudice to its existing mandate and operations as provided for in resolution 1590 (2005), and in order to support the early and effective implementation of the Darfur Peace Agreement, that the mandate of UNMIS shall be expanded by up to 17,300 international military personnel and by an appropriate civilian component, including up to 3,300 police personnel and up to 16 Formed Police Units, and that it shall deploy to Darfur. In the resolution the Security Council also reaffirmed its strong commitment to the sovereignty, unity, independence and territorial integrity of the Sudan and expresses United Nations determination to work with the Government of National Unity to assist in tackling the problems confronting the Sudan. In the resolution, the Security Council invited the consent of the Government of National Unity for the deployment to Darfur of the expanded UNMIS force.

49. In a number of public statements, the Government of the Sudan has rejected in very strong terms the decision of the Security Council with regard to the transition from the African Union to a United Nations peace operation. The adoption of resolution 1706 (2006) was welcomed by senior members of the Sudan People's Liberation Movement and the Darfur rebel groups, as well as northern opposition parties. Demonstrations in support of and against Security Council resolution 1706 (2006) were seen throughout Darfur.

50. On 29 August, in Nyala, several thousand students staged a demonstration against a possible transition from AMIS to a United Nations operation; the Wali of Southern Darfur State presented a memorandum of rejection from the Students Union of Southern Darfur to the UNMIS Head of Office. On 1 September 2006, about 3,000 people demonstrated in El Fasher stadium in support of the transition. On 2 September, at least 1,000 demonstrators presented a letter of protest against Security Council resolution 1706 (2006) to the United Nations office at El Fasher. On 3 September, two students were killed when riot police broke up demonstrations in favour of resolution 1706 (2006) in El Fasher. Numerous demonstrations sponsored by the Government were also held in various towns in the region against the implementation of the resolution. On 3 September 2006, students and government officials held a demonstration against the resolution in El Geneina, and handed a note to the Head of the Office for the Coordination of Humanitarian Affairs there. On 5 September 2006, in Nyala, the representatives organized a demonstration against the resolution, including several thousand students. The demonstration turned violent when students began throwing stones at passing vehicles and United Nations offices and international non-governmental organization compounds. The United Nations requested the government police on

4 September to increase protection of United Nations properties but the requests went largely unanswered.

51. Government officials and their allies appear to be encouraging public sentiments opposing a United Nations transition, often using threatening anti-United Nations language, in violation of the status-of-forces agreement. During the reporting period, President Bashir and Vice-President Taha made remarks, including threatening armed resistance and other violence against the United Nations if Security Council resolution 1706 (2006) is implemented, and even promising to open special camps to train fighters who would violently resist the presence of United Nations peacekeepers in Darfur.

VIII. Observations

52. The grave violations of international human rights law and humanitarian law, which continue to be committed with impunity by the Sudanese Armed Forces, militia, and rebel factions in Darfur, are unacceptable. In that connection, I deplore in the strongest terms the 19 August attack that killed two AMIS soldiers and injured three others. That attack and many others perpetrated in recent weeks can only render the environment in Darfur more dangerous for AMIS peacekeepers, humanitarian workers and ultimately for the people of Darfur, whom the international community has undertaken to assist and help to protect. I extend my heartfelt sympathies to the families of the AMIS soldiers killed.

53. It has now been three months since the Darfur Peace Agreement was signed. However, instead of reconciliation and building of trust, we are witnessing intensified violence and deeper polarization. The region is again on the brink of a catastrophic situation. The latest decision of the Government to seek a military solution and bring more and more troops to the region, coupled with the fighting among armed groups, shows utter disregard for the Darfur Peace Agreement. Signatories and non-signatories alike continue to violate their obligations under the Darfur Peace Agreement and the N'Djamena Ceasefire Agreement. The international community is gravely concerned by reports of government military air support during attacks on civilian populations and by the movement of further military assets into Darfur. I call on all parties in the strongest terms to halt the violence and uphold their obligations to protect civilians.

54. I appeal strongly to those with influence over the groups which have not signed the Darfur Peace Agreement to put pressure on them to adhere to the spirit of the ceasefire and to join the peace process. They must know that the violent pursuit of political goals is not acceptable, and all parties must be reminded that the measures to address the crisis in Darfur need to be consistent with the decisions of the African Union Peace and Security Council and the Darfur Peace Agreement.

55. I am also very concerned about the obstruction of United Nations personnel by government authorities in Darfur. That action is in direct contravention of the Government's obligations under the status-of-forces agreement. I call on the Government to ensure that all local authorities in Darfur are reminded of their obligations under the status-of-forces agreement.

56. The Darfur Peace Agreement is a historic document for the Sudan and sets a challenging implementation timetable. The parties and the African Union, assisted

by the international community, should redouble their implementation efforts. In that context, the international donors should offer all appropriate political, material and financial support to those seeking to implement the Darfur Peace Agreement in good faith. The parties should urgently overcome the Ceasefire Commission impasse. That important body must meet regularly and it must be made more inclusive so as to fully investigate reported ceasefire violations.

57. At the same time, it is essential to work to broaden political and popular support for the Darfur Peace Agreement. The Sudanese authorities and the international community must continue their efforts to persuade other parties to sign. Equally important will be broadening public support for the Darfur Peace Agreement through initiatives such as the Darfur-Darfur Dialogue and Consultation and the speedy implementation of the compensation mechanisms. The Darfur-Darfur Dialogue and Consultation should commence as a matter of urgency, and be as broadly inclusive as possible.

58. Darfur is at a critical stage. Insecurity in this troubled region is at its highest levels and humanitarian access is at its lowest levels since 2004. Unless security improves, the world is facing the prospect of having to drastically curtail an acutely needed humanitarian operation.

59. With the number of actors and combat zones multiplying, AMIS is also facing difficulty in carrying out its mandate with regard to the protection of the civilian population and the implementation of the Darfur Peace Agreement. On 20 September, the African Union Peace and Security Council took a very important step by extending the mandate of the African Union operation until 31 December 2006. The mandate extension and the endorsement of a new Concept of Operations for AMIS are welcome developments. The continued presence of a strong AMIS in Darfur has a vital role to play in protecting civilians and improving a deteriorating security situation until a United Nations operation can be put in place, with the consent of the Government of the Sudan. Once again, I call on the African Union's partners to ensure that the extension of the AMIS mandate by the Peace and Security Council is matched by the rapid and generous provision of the resources that are required for the African Union force to continue its work until the end of its mandate.

60. The Government of the Sudan must also be aware that there can be no military solution to the Darfur conflict. I remain strongly convinced that a United Nations multidimensional operation, in accordance with Security Council resolution 1706 (2006), would be the most appropriate political approach to achieving lasting and sustainable peace in Darfur, and that only such a truly international and impartial operation, with adequate resources and capacity, and with strong African participation, can effectively support the implementation of the Darfur Peace Agreement.

61. As the Security Council has recognized, the transition to a United Nations operation will not be possible as long as the Government of the Sudan refuses its consent. Once again, therefore, I urge the Government of the Sudan to embrace the spirit of the African Union and United Nations decisions, to give its consent to the transition, and commit itself to the political process. Governments and leaders who are in a position to influence the events must also make themselves heard and redeem the solemn pledge made in September 2005, when the General Assembly agreed that Governments have a "responsibility to protect" vulnerable civilians from

genocide, ethnic-cleansing, and gross and systematic violations of human rights. The Security Council is expected to play a very special role in this regard, by demonstrating unity of action. There must be a clear, strong and uniform message from the Security Council and the international community about the consequences of rejecting international assistance for the suffering people of Darfur and for failing to exercise the responsibility to protect. In the meantime, the situation in Darfur is becoming more desperate by the day. The United Nations, and I personally, will spare no effort to continue to seek a just, peaceful and urgent solution to this major man-made tragedy of the twenty-first century.

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Security Council

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Letter dated 26 September 2006 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the attached communication, dated 22 September 2006, which I received from the Secretary-General of the North Atlantic Treaty Organization (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

06-54020 (E) 290906

Annex

Letter dated 22 September 2006 from the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

In accordance with Security Council resolutions 1386 (2001) and 1510 (2003), I attach a report on the operations of the International Security Assistance Force covering the period from 1 April to 31 July 2006. I would appreciate your making this report available to the Security Council.

(*Signed*) Jaap **de Hoop Scheffer**

Enclosure

Quarterly report to the United Nations on the operations of the International Security Assistance Force

Introduction

1. By resolution 1510 (2003) the Security Council requested the leadership of the International Security Assistance Force (ISAF) to provide reports on the implementation of its mandate. This is the tenth such report by NATO and it covers the period from 1 April to 31 July 2006.

2. As at 31 July 2006, prior to the change of command of region South, ISAF had 10,177 personnel from 26 NATO countries and 535 from 10 non-NATO countries. It is expected that, with the change of command in the South, ISAF will have some 20,000 personnel by August 2006.

Overall security situation

3. ISAF has continued to execute its assistance mission in the north, west and capital regions through the conduct of regular framework operations. Joint security patrols with both the Afghan National Army and, to a lesser extent, the Afghan National Police have increased, while ISAF is firmly following the principle of Afghan national security forces being at the forefront.

4. Insurgent activity has increased markedly during the period with opposition forces proving capable of mounting tactically coordinated attacks in large numbers in the south and east. The trend over the last few months towards greater use of improvised explosive devices and suicide attacks is expected to continue and probably increase in number and geographic distribution.

5. ISAF, coalition forces and the Afghan national security forces are targeted but an increase in attacks on soft targets has also been noted, targeting the efforts of the Government of Afghanistan and the international community to reach out into rural and remote areas by attacking schools, government officials, and non-governmental organizations. This tactic is likely to be intended to discredit international efforts to stabilize the country. Although outside the ISAF area of operations, southern and eastern Afghanistan have experienced a trend of increasing activity by opposing militant forces.

6. Insurgent activity has underlined an apparent intention to establish a persistent presence of opposing militant forces through violence and intimidation. The Government of Afghanistan intends to address local security concerns through the creation of an auxiliary police force to counter the insurgency at the local level.

Recent developments

7. In April 2006, the North Atlantic Council issued an Execution Directive for operation plan 10302-Rev1 and approved the associated rules of engagement, thereby authorizing the Supreme Allied Commander Europe to execute the plan as from 4 May 2006.

8. The transition from regional area coordinators to Regional Commands in the north and west has led to a more robust ISAF command and control structure.

Regional Command North and Regional Command West were successfully established on 1 June 2006.

9. Stage 3 expansion of the ISAF mission into the south and transfer of authority from Operation Enduring Freedom occurred on 31 July 2006.

10. The Kabul Multinational Brigade will have become Regional Command capital on 6 August 2006.

11. Stage 4 transfer of authority to Regional Command East will conclude Phase 2 entitled "Expansion". Stage 4 will occur upon the direction of the Supreme Allied Commander Europe when the necessary conditions have been met. This will complete the challenge of expanding ISAF to encompass all of Afghanistan with the intention of creating the conditions required for transition to Phase 3 entitled "Stabilization".

Security sector reform status

12. **Disbandment of illegal armed groups.** The capacity of the Government of Afghanistan to conduct disbandment enforcement is limited and the negotiation phase is likely to be extended, the enforcement contemplated only once conditions have been set. ISAF has provided national- and provincial-level planning and coordination support, monitoring of provincial operations and logistic support, including air transport for Government Ministers and international community officials to attend disbandment launch ceremonies. President Karzai's plan to recruit tribal fighters who will take their orders from the Government to safeguard the remote districts is raising concerns that this could undermine the disbandment programme. Reports of the creation of tribal militias in the south and east in response to deteriorating security have increased resistance to disbandment of illegal armed groups in the north and west. The Government's sometimes confusing assurances that the auxiliary police force will be under legitimate authority as it augments other security structures have not calmed the doubts of the local population. The ISAF Commander feels that bringing the auxiliary police force into organized groups under the purview of the Ministry of the Interior is acceptable as an interim solution and would facilitate disbandment when the time is right.

13. **Programme Takhim-e-Solh (Reconciliation).** Although Afghanistan-wide, this reconciliation programme focuses on the south and east of the country. Upon assuming responsibility for those regions, ISAF will support the programme within means and capabilities with an emphasis on information operations and in extremist support. So far some 1,600 Taliban and Hezb-e-Islami Gulbuddin members have been reconciled through the programme.

14. **Explosive remnants of war.** The purpose of this Afghan initiative is to safeguard authorized munitions in United Nations sites for future use by the Afghan national security forces and to dispose of unserviceable and unauthorized munitions. The Afghan New Beginnings Programme leads the implementation of this initiative and manages it on behalf of the Ministry of Defence. ISAF involvement in the initiative has been historically limited to a supporting role. However, given the increasing use of improvised explosive devices, ISAF has taken a more deliberate and proactive role in order to deny source materials and equipment to insurgents. ISAF has allocated resources and support to the Ministry of Defence and the New Beginnings Programme to facilitate centralized, controlled stockpiles of legitimate

ammunitions and has tasked Regional Command headquarters to conduct deliberate cache-locating operations.

15. **Counter-narcotics.** In May, the delivery mechanism of the Afghan National Drug Control Strategy was put in place with the founding of implementation committees chaired by the Afghan Ministry of Counter-Narcotics. The committees will publish implementation plans in September 2006. Work to disrupt drug-trafficking networks resulted in further convictions of traffickers and 10 tons of opiates were seized in May and June, although a sustained impact on the trade has yet to be achieved. Programmes to strengthen and diversify legal livelihoods continued. These included increased access to microcredit and employment although delivery has been severely hampered in areas of poor security. The Ministry produced the first Counter-Narcotics Communications Strategy and began the pre-planting information campaign late in July. This will seek to influence farmers' decisions on planting in the next season. It follows the 2006 eradication campaign which the United Nations Office on Drugs and Crime estimates destroyed around 15,000 hectares of opium poppy. The eradication campaign was marred by corruption and not all eradication took place within target areas.

16. **Afghan National Army.** The Afghan National Army continues to grow and develop. However, despite clear and well-pursued Afghan aspirations, further development is still hampered by a shortage of suitable equipment and reliance on external support. Developing the army must be seen as a long-term project. Balancing the need for operational effect with development of capabilities is a constant challenge. It is essential to ensure that the tasks that the Army undertakes are within its capabilities.

17. **Afghan National Police.** Progress in reforming the Afghan National Police is slow. The top two tiers of rank reform are now complete, although international community dissatisfaction with some of the second-tier nominations has required the initiation of a probationary process. The remaining rank and associated pay reforms are due to be completed in October 2006. Helping the police become an effective security force is a long-term project and mission success depends on international support for the activities that ISAF Regional Commands are seeking to implement. Proposals to improve the Provincial Reconstruction Team police adviser structure must be resourced as a matter of priority.

18. **Operational mentoring and liaison teams.** Starting with NATO expansion to the south, ISAF will enhance its role in Afghan National Army training through the establishment of operational mentoring and liaison teams throughout its area of operations. These teams are critical to the development of full operational capability of the Afghan National Army.

19. **Judicial reform.** Although some progress has been made in Afghanistan's formal justice system, the courts and prosecution services remain stigmatized by local distrust, corruption and resource depravation. Traditional dispute resolution mechanisms are still dominant especially in rural areas. The ISAF Commander participates in justice and human rights working groups. Regional Commands and Provincial Reconstruction Teams are gradually establishing legal advisers, and experts in institution- and capacity-building.

20. **Synergy between ISAF and Operation Enduring Freedom.** ISAF expansion has enhanced the close cooperation between ISAF and Operation Enduring

Freedom. In the months leading up to transfer of authority Stage 3, coordination between ISAF headquarters and Regional Command South has been particularly sound. Additionally, the need to coordinate operations between Regional Command West, in Farah and Ghor Provinces, and Operation Mountain Thrust in Regional Command South has set up procedures, mutual support and active liaison.

21. **Provincial coordination centres.** The updated role of the provincial coordination centres is to integrate Afghan national security forces and local governance security functions into a single operations centre in each province. This permits closer cooperation and also more effective control and situational awareness for provincial governors. Fourteen provincial coordination centres already exist mainly in Regional Commands South and East. Combined Forces Command Afghanistan has directed the re-energizing of plans to establish a provincial coordination centres in each province. ISAF is fully engaged in the planning and considers governors as crucial in helping to achieve the mission end-state.

22. **Expansion.** Over the reporting period, ISAF has been focused on transition to the expansion to the south.

Neighbouring countries

23. **Tripartite Commission.** ISAF headquarters has taken part as a full member in the meetings of the Tripartite Commission since 6 June 2006. The aim of the Commission is to establish an enduring and mutually beneficial Afghanistan-Pakistan security relationship that contributes to regional stability. Composed of representatives from the Afghan and Pakistani military staffs, it convenes every two months with Combined Forces Command Afghanistan. This is a fundamental part of the ISAF mission as the Tripartite Commission directly promotes regional security and stability. Steady but slow progress has been made on cooperation in a number of areas, including initiatives to improve communications between border forces. ISAF will play an increasing role in Commission proceedings before assuming the lead from Combined Forces Command Afghanistan late in 2006.

24. **Border security policy.** ISAF is developing an enhanced mutual understanding of the NATO engagement strategy with Afghanistan's neighbours. ISAF support to the Afghan integrated border security policy at the operational level consists of contacts with in-country diplomats in order to facilitate military to military liaison with neighbouring countries. ISAF also participates in the border meetings supporting the Tripartite Commission. At the tactical level, Regional Commands have been tasked to establish military to military contacts with border units of the neighbouring countries.

Summary

25 ISAF continues to make solid progress in accomplishing its mission and good coordination with Operation Enduring Freedom. However, there are significant challenges that will need to be overcome in the next few months both in terms of expansion and in meeting security threats. This includes addressing public dissatisfaction with the perceived slow pace of reconstruction, good governance, absence of a viable option to replace poppy cultivation, and criminal activity.